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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/067,301

02/07/2002

Choon-sik Jung

1293.1313

7034

21171 7590 05/26/2010

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EXAMINER

DUNN, MISHAWN N

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/26/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/067,301	Applicant(s) JUNG, CHOON-SIK	
	Examiner MISHAWN DUNN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5-7 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,5-7 and 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/4/10 has been entered.

Response to Arguments

2. Applicant's arguments filed 5/4/10, with respect to the rejection(s) of claim(s) have been fully considered, but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "start playback from a desired position of the I-picture on the disk **without continuous playback** of TS packets recorded on the disk") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 5-7, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ando et al. (US Pat. No. 6,782,189).

6. Consider claim 1. Ando et al. teaches a method of storing program data, which is encoded by compression, comprising: extracting information, which is to be referenced in reproducing the program data, from the program data, the extracted information including information associated with an I-picture that is extracted by: searching a transport stream (TS) for the I-picture (col. 32, line 64 – col. 33, line 3; figs. 20 a-c and 21 a-c), and saving a start disk packet point and TS packet point if a current TS packet is related to the I-picture (abstract; figs. 20-22); making a table of the extracted information; and storing the table having the extracted information and the program data in a storage apparatus (fig. 20), wherein the program data is encoded by compression according to the MPEG-2 standard and packetized in the form of the TS and the extracting of the information comprises extracting a program allocation table (PAT), a program map table (PMT) (fig. 9), wherein the extracting of the information comprises extracting location information of the I-picture (col. 29, lines 55-58), and the program

data is stored in packets (fig. 22), and the extracting of the information comprises extracting description information of each packet and location information of the I-picture (col. 15, lines 1-17; fig. 9).

7. Consider claim 5. Ando et al. teaches an apparatus for storing a program which is encoded and packetized in transport stream (TS) packets according to an MPEG-2 standard (col. 7, lines 19-22; col. 8, lines 38-40), the apparatus for storing a program comprising: a TS demux which extracts program packets related to a program desired to be stored from the TS packets (col. 28, lines 57-63; fig. 19); a TS demux control unit which controls the TS demux to extract the program packets (col. 29, lines 24-27; fig. 19), and extracts location information of an I-picture (col. 15, line 2); a control unit which: buffers and outputs the program packets extracted by the TS demux (col. 28, lines 57-63; fig. 19), extracts program allocation table (PAT) and program map table (PMT) information related to the program desired to be stored from the program packets (fig. 9), extracts information associated with the I-picture by searching the TS for the I-picture and saving a start disk packet point and TS packet point if a current TS packet is related to the I-picture (col. 32, line 64 – col. 33, line 3; figs. 20-22), and makes a program table having the extracted PAT and PMT information; and a storing apparatus which stores the program packets and the program table (fig. 19), wherein the extracting of the location information comprises extracting description information of each packet (col. 15, line 2; fig. 9).

8. Consider claim 6. Ando et al. teaches the apparatus for storing a program of claim 5, wherein the control unit comprises: a random-access-memory (RAM) which

buffers and outputs the program packets detected by the TS demux (col. 29, lines 27-28; fig. 19); and a central processing unit (CPU) which extracts the PAT information and the PMT information from the program packets stored in the RAM according to a predetermined program, and makes the program table (col. 27, lines 28-32; figs. 9 and 19).

9. Consider claim 7. Ando et al. teaches the apparatus for storing a program of claim 5, further comprising: a digital interface unit which controls a direct memory access (DMA) operation between the storing apparatus and the control unit (col. 27, lines 33-35; fig. 19).

10. Claim 11 is rejected using similar reasoning as the corresponding claim above.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. No. 6,782,189) in view of Ando et al. (US Pat. No. 6,215,746).

13. Consider claim 10. Ando et al. ('189) teaches all the claimed limitations as stated above, except that the storing apparatus is a hard disc drive.

However, Ando et al. ('746) discloses storing information on a hard disc drive, rather than a removable storage medium (col. 16, lines 50-58).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to store the data on a hard disc drive, in order to provide efficient and reliable access to the data.

14. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. No. 6,782,189) in view of Kubota (US Pat. No. 6,353,613).

15. Consider claim 12. Ando et al. teaches all the claimed limitations as stated above, except wherein the making a table of the extracted information comprises a new PMT or PAT table.

However, Kubota teaches the making a table of the extracted information comprises a new PMT or PAT table (col. 1, lines 57-59).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to make a table of the extracted information comprises a new PMT or PAT table, in order to receive information on the available programs.

16. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al. (US Pat. No. 6,782,189) in view of Kato et al. (US Pat. No. 6,950,604).

17. Consider claim 13. Ando et al. teaches all claimed limitations as stated above, except wherein the location information includes a disk packet number of a first one of the disk packets, a disk packet number of a last one of the disk packets, a TS packet

number of a first one of the TS packets, and a TS packet number of a last one of the TS packets.

However, Kato et al. teaches wherein the location information includes a disk packet number of a first one of the disk packets, a disk packet number of a last one of the disk packets, a TS packet number of a first one of the TS packets, and a TS packet number of a last one of the TS packets (col. 8, lines 59 – col. 9, lines 5; col. 9, lines 47-61).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to include a disk packet number of a first one of the disk packets, a disk packet number of a last one of the disk packets, a TS packet number of a first one of the TS packets, and a TS packet number of a last one of the TS packets, in order to easily access a packet.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MISHAWN DUNN whose telephone number is (571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
May 21, 2010

/JAMIE JO ATALA/
Primary Examiner, Art Unit 2621